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REMARKS

Claims 1-17 are all the claims presently pending in the application. Claims 1 and 3-5 have been amended to more particularly define the invention. Claims 8-17 have been added to assure Applicant the degree of protection to which his invention entitles him.

It is noted that the claim amendments herein or later are not made to distinguish the invention over the prior art or narrow the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein or later should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

With respect to the prior art rejection, claims 1-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ferriday, Jr. (U.S. Patent No. 2,488,120). Claims 1-6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Zander (U.S. Patent No. 4,412,625).

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

An exemplary aspect of the invention, as recited in claim 1, is directed to a container including a container body including an opening and a vertical wall formed along an edge of the opening, and a lid body that can open and close the opening of the container body and includes a lid portion. The container body includes a journaling portion that supports the lid body rotatably around an axis orthogonal to an opening surface of the opening. The lid body includes a journaled portion that is journaled by the journaling portion. The lid body rotates

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around the journaling portion to allow the lid portion to move to a position for covering the opening and a position for exposing the opening. When the lid portion is in the position for covering the opening, a part of the lid body is placed along a part of the vertical wall of the container body.

Conventional containers often include complex configurations for rotating the lid body of the container. Other conventional containers require that the lid body be concentrically rotated with respect to the container, thus making the rotation operation difficult to perform with one hand. (See Application at page 2, line 23 – page 3, line 2)

The claimed invention, on the other hand, provides a container wherein when the lid portion is in the position for covering the opening, a part of the lid body is placed along a part of the vertical wall of the container body. This feature, amongst others, readily defines the rotational direction of the lid body because the lid body can only be rotated in a direction in such a manner that the part of the lid body separates from the part of the vertical wall of the container body. In this manner, using a reduced number of components, a user can clearly and immediately know the direction the lid body must be rotated to open the container.

II. THE PRIOR ART REFERENCES

A. The Ferriday Jr. Reference

The Examiner alleges that Ferriday Jr. teaches the claimed invention. Applicant submits, however, that there are elements of the claimed invention, which are neither taught nor suggested by Ferriday Jr.

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Ferriday Jr. discloses a valved closure cap for a picnic jug, or the like. (See Ferriday Jr. at column 1, lines 1-2)

However, Ferriday Jr. does not teach or suggest that "*when [the] lid portion is in the position for covering the opening, a part of [the] lid body is placed along a part of the vertical wall of the container body,*" as recited in claim 1.

Rather, Ferriday Jr. discloses a control plug 23 received in a well 14 formed in a swelling 13 of a cap 11. The upper end of the control plug is proportioned and designed to rotate within the well in order to open and close an upper end of a wall 30 defining a pouring lip 17. (See Ferriday Jr. at Figures 1 and 5, and column 2, lines 1-50) However, Ferriday Jr. does not teach or suggest that any part of the control plug 23 is placed along the wall 30 defining the pouring lip 17. Ferriday Jr. certainly does not teach or suggest placing a part of the control plug 23 along the wall 30 to permit a user to readily determine the direction to rotate the control plug to open the pouring lip 17.

In the claimed invention, on the other hand, when the lid body is in a position for covering the opening, the lid body and the container body can be integrally constituted because a part of the lid body is placed along (i.e. overlapped) with a part of the vertical wall. Thus, when the lid body is about to be rotated, the rotational direction of the lid body is specified because the lid body can only be rotated in a direction in such a manner that the part of the lid body separates from the part of the vertical wall of the container body. Thus, a user can clearly and immediately know the direction the lid body must be rotated to open the container.

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Therefore, Applicant submits that there are elements of the claimed invention that are not taught or suggested by Ferriday Jr. Therefore, the Examiner is respectfully requested to withdraw this rejection.

B. The Zander Reference

The Examiner alleges that Zander teaches the invention of claims 1-6. Applicant submits, however, that there are elements of the claimed invention, which are neither taught nor suggested by Zander.

Zander discloses a pill container and permanently attached cap form a three-sided prism-shaped safety bottle. (See Zander at Abstract)

However, Zander does not teach or suggest that "*when [the] lid portion is in the position for covering the opening, a part of [the] lid body is placed along a part of the vertical wall of the container body,*" as recited in claim 1.

Rather, Zander discloses a container 14 fitted with a closure cap 10 which includes a flat top 10a and three side walls 10b. The cap is permanently attached to the container by the interaction of a pivoting post 16 and boss 15. A rectangular slot 10c cut from one side of the cap 10 straddles an elevated track 13 formed on the container top in order to guide the motion of the cap 10 upon rotation about the pivoting post 16. (See Zander at Figures 5 and 6, and column 2, lines 39-60) However, Zander does not teach or suggest that any part of the cap 10 is placed along a vertical wall of the container 14. Zander certainly does not teach or suggest placing a part of the cap 10 along a vertical wall of the container 14 to permit a user to readily determine the direction to rotate the cap 10 to open the container 14.

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As noted above, in the claimed invention, when the lid body is in a position for covering the opening, the lid body and the container body can be integrally constituted because the part of the lid body is placed along (i.e. overlapped) with a part of the vertical wall. When the lid body is about to be rotated, the rotational direction of the lid body is specified because the lid body can only be rotated in a direction in such a manner that the part of the lid body separates from the part of the vertical wall of the container body. Thus, a user can clearly and immediately know the direction the lid body must be rotated to open the container.

Therefore, Applicant submits that there are elements of claims 1-6 that are not taught or suggested by Zander. Therefore, the Examiner is respectfully requested to withdraw this rejection.

Further, new claims 8-17 are patentable over the prior art of record.

III. CONCLUSION

In view of the foregoing, Applicant submits that claims 1-17, all the claims presently pending in the application, are patentably distinct over the prior art of record and are allowable, and that the application is in condition for allowance. Such action would be appreciated.

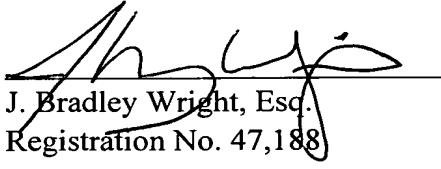
Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below to discuss any other changes deemed necessary for allowance in a telephonic or personal interview.

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To the extent necessary, Applicant petitions for an extension of time under 37 CFR §1.136. The Commissioner is authorized to charge any deficiency in fees, including extension of time fees, or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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